

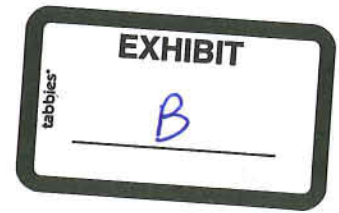
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Justice Department Sues Mississippi for Discriminating Against Adults with Mental Illness | OPA | Department of Justice

## JUSTICE NEWS

Department of Justice

Office of Public Affairs



FOR IMMEDIATE RELEASE

Thursday, August 11, 2016

**Justice Department Sues Mississippi for Discriminating Against Adults with Mental Illness**

The Justice Department today filed a complaint against the state of Mississippi, alleging that it violates the Americans with Disabilities Act (ADA) and Civil Rights of Institutionalized Persons Act (CRIPA) by failing to provide adults with mental illness with necessary integrated, community-based mental health services. The community integration mandate of the ADA and the Supreme Court's decision in *Olmstead v. L.C.* require states to make services available to people with disabilities – including people with mental illness – in the most integrated setting appropriate to their needs.

The state's failure to provide services in community settings forces adults with mental illness to access services and care in segregated state hospitals, including the Mississippi State Hospital, East Mississippi State Hospital, North Mississippi State Hospital and South Mississippi State Hospital. Under *Olmstead*, unnecessarily forcing people with disabilities to enter institutions to get services constitutes unlawful discrimination.

In December 2011, after conducting a comprehensive investigation, the department found that the state's system for serving individuals with mental health disabilities violates the ADA. The department found that the state unnecessarily institutionalizes adults and children with disabilities and fails to ensure that they have access to necessary services and supports in the community. The state has recognized these failures but has not yet implemented the required reforms to meet the needs of persons with disabilities.

"When individuals with mental illness receive the services they need, they are better able to find meaningful work, secure stable housing, build personal relationships, and avoid involvement with the criminal justice system," said Attorney General Loretta E. Lynch. "For far too long, Mississippi has failed people with mental illness, violating their civil rights by confining them in isolating institutions. Our lawsuit seeks to end these injustices, and it sends a clear signal that we will continue to fight for the full rights and liberties of Americans with mental illness"

"When individuals with mental illness get the services they need and the care they deserve, they can live and work in their own communities," said Principal Deputy Assistant Attorney General Vanita Gupta, head of the Justice Department's Civil Rights Division. "Mississippi violates the ADA by denying residents with disabilities the services the law requires and the support they deserve, forcing them to cycle in and out of state hospitals, emergency rooms and jails. The Justice Department's lawsuit demonstrates our firm commitment to vindicate the rights of people with mental illness."

"In Mississippi, adults with mental illness receive inadequate mental health care – care that is too often in segregated, institutional placements," said U.S. Attorney Gregory Davis of the Southern District of Mississippi. "Mississippi has not developed the necessary supports in the community to prevent unnecessary institutionalization as required by the ADA."

The complaint alleges that gaps and weaknesses in the state's mental health system too often subject adults with mental illness to needless trauma, especially during a crisis. According to the complaint, adults with mental illness who experience a crisis in Mississippi often spend days in local emergency rooms and jail holding facilities that are ill-equipped to address their needs, before ultimately being transported to the state's psychiatric hospitals. This costly and traumatic process could be avoided if adults with mental illness received proven and effective services in the

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community to prevent and deescalate crises, enable them to maintain safe housing and assist them in finding and holding employment.

Since issuing its findings letter, the department engaged in discussions with the state to reach a settlement resolving the violations the department identified. The parties, however, were ultimately unable to come to an agreement that would ensure the needed services and supports for people with disabilities in Mississippi. In order to vindicate the rights of adults with mental illness under the ADA, the United States has filed this lawsuit under the ADA and CRIPA. The United States is also participating as amicus in ongoing litigation against Mississippi in *Troupe v. Barbour*, a case that addresses the state's ADA obligations toward children with mental health disabilities. The United States remains committed to resolving all of the violations the department identified in its findings letter.

For more information on the department's Civil Rights Division, please visit [www.justice.gov/crt](http://www.justice.gov/crt).

#### Mississippi Olmstead Complaint

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16-936

Civil Rights Division

Civil Rights - Special Litigation

USAO - Mississippi, Southern

**Topic:**

Civil Rights

*Updated August 11, 2016*